

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

FILED  
CLERK OF COURT  
JUL 23 2004  
U.S. DISTRICT COURT  
EASTERN DISTRICT  
OF MASSACHUSETTS

\_\_\_\_\_  
STEVAN JOHNSON

Plaintiff,

v.

\_\_\_\_\_  
CONTINENTAL AIRLINES, INC.

Defendant.  
\_\_\_\_\_

Civil Action No. 04-10902 (NMG)

**AFFIDAVIT OF PLAINTIFF STEVAN JOHNSON**

I, Stevan E. Johnson, hereby provide the following information based on my personal knowledge and belief.

1. On January 5, 2004 I filed a previous affidavit with the clerk of the court in civil action no. 03-11992 (PBS), which is wholly related to the above-captioned case. (See: Previous Affidavit attached hereto as Exhibit A)

**I. Court Order**

2. On January 8, 2004 United States District Court Judge Patti B. Saris (in civil action no. 03-11992 (PBS)) entered an Order granting my Motion to Compel Arbitration. (See: Exhibit B attached hereto)

## **II. Appeal Procedure Agreement**

3. On May 1, 1997 I signed an agreement with Continental stipulating that I agreed to use the appeal procedure that was implemented in April 1997. (See: Signed agreement at Exhibit C)

4. The April 1997 Appeal Procedure included a binding arbitration clause. (See: Exhibit D at 53)

5. On June 1, 2001 the April 1997 Appeal Procedure was still in effect.

6. On June 1, 2001 I was suspended by Robert White - Assistant Terminal Operations Director IAH. White issued a written notice to me dated June 1, 2001 advising me of the suspension. The letter also informed me of my right to appeal the suspension using the Appeal Procedure in effect at that time. Both White and I signed the June 1, 2001 notice of suspension. (See: Suspension Notice attached hereto as Exhibit E)

7. On June 1, 2001 I submitted a request to appeal the suspension to Nick Petrov - Terminal Operations Director IAH<sup>1</sup> on a standardized Request For Appeal form in accordance with the April 1997 Appeal Procedure. (See: June 1, 2001 Request For Appeal attached hereto as Exhibit F)

8. Subsequently, I received a letter dated June 6, 2001 from Katherine J. Churchill - Sr. Manager Human Resources acknowledging receipt of my June 1, 2001 Request For Appeal form but denying me my right to appeal the suspension. (See: June 6, 2001 Churchill letter attached hereto as Exhibit G)

---

<sup>1</sup> The June 1, 2001 suspension notice issued to me by Robert White instructed me to forward my Appeal Request to Nick Petrov.

9. Almost three years later I received a letter from Nick Petrov dated January 12, 2004 requesting that I contact him to discuss the first step in the appeal process. (See: January 12, 2004 letter attached hereto as Exhibit H) This request by Mr. Petrov comes on the heels of the Court Order to Compel Arbitration. (See: *supra* ¶ 2) Until that date Continental and Its' Agents, including Mr. Petrov, had maintained that I was not entitled to use the Appeal Procedure. I believe Mr. Petrov's motive for offering the Appeal Procedure were designed to circumvent the January 5, 2004 Court Order.

10. According to the Appeal Procedure in effect on June 1, 2001 the first step in the appeal process was suppose to have been conducted within ten (10) calendar days from receipt of my Request For Appeal form. (See: Exhibit D at 52) Continental did not fulfill that obligation and I consider that unfulfilled obligation to be a breach of the contractual Appeal Procedure agreement

11. On April 5, 2004 I requested arbitration in accordance with the Appeal Procedure in effect at the time of my June 1, 2001 appeal request. (See: Exhibit I attached hereto)

12. My otherwise timely request for arbitration was denied by Continental in a letter dated April 12, 2004.

13. Continental has not obeyed the January 5, 2004 Court Order to Compel Arbitration.

### III. Oath

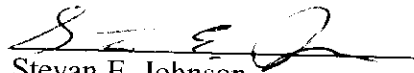
Signed under the penalties of perjury this the 23<sup>rd</sup> day of July 2004

  
Stevan E. Johnson

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that on this the 23<sup>rd</sup>, day of July 2004 service of a true and correct copy of the foregoing instrument was sent via the United States Postal Service to Defendant's counsel of record and addressed as follows:

Epstein, Becker & Green, P.C.  
Attn: David S. Rubin  
111 Huntington Avenue  
Boston, MA 02199

  
Stevan E. Johnson

*Pro Se*